

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EDWARD VOLPONI,

Plaintiff,

v.

AMERICAN ECONOMY
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 4:23-CV-00036-
SDJ-AGD

ORDER

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 26, 2024, the Report of the Magistrate Judge, (Dkt. #47), was entered containing proposed findings of fact and recommendation that Defendant American Economy Insurance Company’s Motion to Compel Appraisal and Abate Litigation Pending the Outcome of Appraisal (Dkt. #19) be granted; that the Parties be compelled to participate in appraisal in accordance with the contract; and that the instant lawsuit and all future deadlines be abated pending the outcome of the appraisal.

On February 9, 2024, Plaintiff filed his objections to the Report (Dkt. #50). On February 28, 2024, Defendant filed its Response to Plaintiff’s Objections (Dkt. #59). The Court has conducted a de novo review of the objections and the portions of the Report to which Plaintiff specifically objects. Having done so, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and the


objections are without merit as to the ultimate recommendation of the Magistrate Judge. The Court adopts the Magistrate Judge's Report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendant American Economy Insurance Company's Motion to Compel Appraisal and Abate Litigation Pending the Outcome of Appraisal (Dkt. #19) is **GRANTED**.

It is further **ORDERED** that this case, including any pending deadlines, is **ABATED** until such time as the appraisal process contemplated by Plaintiff's American Economy Insurance Company Policy No. OZ4947252 is concluded and the appraisal panel has issued its final award.

It is further **ORDERED** that the Parties shall provide joint status updates every 60 days informing the Court of the progress of the appraisal and shall further notify the Court immediately upon completion of the appraisal process, with the first report due on **May 20, 2024**.

So ORDERED and SIGNED this 21st day of March, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE